

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SEAN WHITEHEAD,

Plaintiff,

v.

HOC ARMOR HEALTH
DEPARTMENT,

Defendant.

Case No. 18-CV-1614-JPS

ORDER

On October 12, 2018, Plaintiff filed a complaint against the medical providers at the Milwaukee County House of Correction for failing to properly address a dental issue that caused him extreme pain. (Docket #1). The case was randomly assigned to a magistrate judge. On October 15, 2018, the Clerk of Court's office mailed Plaintiff a letter requesting consent to magistrate jurisdiction. (Docket #2). The letter also informed Plaintiff that he needed to pay the \$400.00 filing fee or file a motion to proceed without pre-paying the filing fee (i.e., to proceed *in forma pauperis*) by November 6, 2018. *Id.* Plaintiff did not reply. On November 9, 2018, Magistrate Judge David E. Jones issued an order requiring Plaintiff to pay the filing fee or file a motion to proceed *in forma pauperis* by December 3, 2018, or the case would be dismissed without prejudice. (Docket #3). Again, Plaintiff did not reply. Because not all parties have had an opportunity to consent to magistrate judge jurisdiction, this case was randomly reassigned on December 12, 2018 to a District Judge for entry of this order. In light of Plaintiff's failure to comply with Magistrate Jones' November 9, 2018 order, this action will be

dismissed without prejudice for Plaintiff's failure to prosecute. Civ. L.R. 41(c); *Fischer v. Cingular Wireless, LLC*, 446 F.3d 663, 665 (7th Cir. 2006).

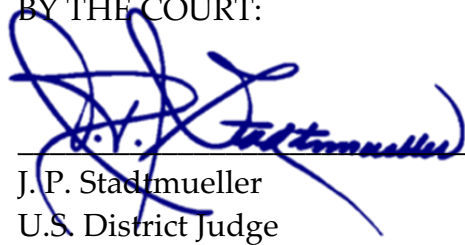
Accordingly,

IT IS ORDERED that this action be and the same is hereby **DISMISSED without prejudice** for Plaintiff's failure to diligently prosecute.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 28th day of December, 2018.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge